

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

NICHOLAS ALVAREZ,
a/k/a "Babyface,"
a/k/a "Carlos Gomez,"
a/k/a "Carlos Garcia,"
a/k/a "Jonathan Cuellar,"

Defendant.

INDICTMENT

11 Cr. 169

02/24/11

COURTFLOW

INDICTMENT FILED-5 MIN.

COUNT ONE

The Grand Jury charges:

1. From at least on or about December 3, 2010, up to and including on or about February 3, 2011, in the Southern District of New York and elsewhere, NICHOLAS ALVAREZ, a/k/a "Babyface," a/k/a "Carlos Gomez," a/k/a "Carlos Garcia," a/k/a "Jonathan Cuellar," the defendant, unlawfully, willfully, and knowingly did transport an individual in interstate and foreign commerce, with intent that such individual engage in prostitution, and in sexual activity for which a person can be charged with a criminal offense, and attempted to do so, to wit, ALVAREZ transported women between New York and New Jersey, Pennsylvania, the District of Columbia, Virginia, Illinois and Michigan for the purpose of those women engaging in prostitution.

(Title 18, United States Code, Section 2421.)

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DATE FILED: 2-24-2011

COUNT TWO

The Grand Jury further charges:

2. From at least on or about December 3, 2010, up to and including on or about February 3, 2011, in the Southern District of New York and elsewhere, NICHOLAS ALVAREZ, a/k/a "Babyface," a/k/a "Carlos Gomez," a/k/a "Carlos Garcia," a/k/a "Jonathan Cuellar," the defendant, unlawfully, willfully, and knowingly did persuade, induce, entice, and coerce an individual to travel in interstate and foreign commerce, to engage in prostitution, and in sexual activity for which a person can be charged with a criminal offense, and attempted to do so, to wit, ALVAREZ, by using violence and threats of violence, coerced women to be transported between New York and New Jersey, Pennsylvania, the District of Columbia, Virginia, Illinois and Michigan for the purpose of those women engaging in prostitution.

(Title 18, United States Code, Section 2422(a).)

COUNT THREE

The Grand Jury further charges:

3. From at least on or about December 3, 2010, up to and including on or about February 3, 2011, in the Southern District of New York and elsewhere, NICHOLAS ALVAREZ, a/k/a "Babyface," a/k/a "Carlos Gomez," a/k/a "Carlos Garcia," a/k/a "Jonathan Cuellar," the defendant, unlawfully, willfully and

knowingly, in and affecting interstate and foreign commerce, did recruit, entice, harbor, transport, provide, obtain, and maintain, by any means a person, and did benefit, financially and by receiving anything of value, from participation in a venture which has engaged in such act, knowing, and in reckless disregard of the fact, that means of force, threats of force, fraud, coercion, and a combination of such means would be used to cause the person to engage in a commercial sex act, to wit, ALVAREZ recruited, enticed, transported, provided, obtained and maintained women to engage in commercial sex acts that benefitted ALVAREZ financially and, by means of violence and threats of serious harm to the women and their family members, compelled those women to engage in commercial sex acts.

(Title 18, United States Code, Sections 1591(a) & (b)(1).)

COUNT FOUR

The Grand Jury further charges:

4. On or about February 3, 2011, in the Southern District of New York and elsewhere, NICHOLAS ALVAREZ, a/k/a "Babyface," a/k/a "Carlos Gomez," a/k/a "Carlos Garcia," a/k/a "Jonathan Cuellar," the defendant, unlawfully, willfully, and knowingly did seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom and reward and otherwise a person when ALVAREZ traveled in interstate and foreign commerce and used the mail and a means, facility, and instrumentality of

interstate and foreign commerce in committing and in furtherance of the commission of the offense, to wit, ALVAREZ used his cellular telephone to access the internet and identify and locate a woman he later seized, confined, abducted and carried away without her consent, for the purpose of forcing her to engage in prostitution.

(Title 18, United States Code, Section 1201(a)(1).)

FORFEITURE ALLEGATION

5. As a result of committing the sex trafficking offense as alleged in Count Three of this Indictment, NICHOLAS ALVAREZ, a/k/a "Babyface," a/k/a "Carlos Gomez," a/k/a "Carlos Garcia," a/k/a "Jonathan Cuellar," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1594: (1) any property, real and personal, used or intended to be used to commit or to facilitate the commission of the offense; and (2) any property, real and personal, constituting or derived from, any proceeds obtained, directly or indirectly, as a result of the offense.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

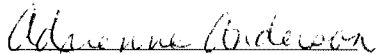
(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 1594;
Title 21, United States Codes, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


PREET BHARARA
United States Attorney